

ROGERS et al
Serial No. 10/590,454
January 13, 2009

Even assuming the Examiner's position may be accurate (an assumption that applicants do not concede at this juncture), there are other common technical features between the claim Groups I and II which would justify examining all claims in the subject application (i.e., since a search and examination of one set of claims would be coextensive with a search and examination of the other set of claims). By way of example only, applicants note that the features of claims 5 and 14 do not appear to be disclosed or reasonably suggested by Levendis et al. Thus, as noted above a search and examination of claim 5 would be coextensive with a search and examination of claim 14 thereby not justifying restriction therebetween.

Withdrawal of the restriction requirement and an action on the merits of all pending claims is therefore solicited.

Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____ /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100